

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
FEBRUARY 9, 2021 – 7:00 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON FEBRUARY 9, 2021 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor Samuel M. Bishop; Johana Hicks; Steve Huppert; Merissa Sachs; Henry Showalter; Bradford J. Stipes. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Assistant Town Manager Andrew Warren, Town Attorney Reid Broughton; Clerk of Council Tracy Heinline; Finance Director Valerie Tweedie; Police Chief Mark Sisson.

REGULAR MEETING

I. CALL TO ORDER

- A. Moment of Reflection
- B. Pledge of Allegiance

II. ADJUSTMENT OF THE AGENDA

III. PUBLIC HEARINGS

IV. CONSENT AGENDA

A. Approval of Minutes of January 26, 2021.

Councilwoman Hicks questioned the January 26 minutes under the Consent Agenda for Approval of Minutes and asked for a clarification of the use of the word “*today*”. After discussion, no change was proposed.

Councilman Stipes recommended a minor revision to the Citizen Comments section in the minutes requesting the last sentence under Mr. Ken White's public comment to refer simply to *concerns that Mr. White had after obtaining and reviewing e-mails of Mr. Rice's to town officials*. Mr. Stipes mentioned that Realtor Brian Rice was concerned about the word “attack” and the possibility of the word having long-term effects for not only himself but Mr. White as well. Mr. Stipes stated that he felt this was a personal matter between two individuals and it had little to do with Town business. Councilwoman Hicks expressed that she felt if the minutes were revised then the emails between the Town and Mr. Rice should be included in the minutes and the citizens could then form their own opinion of the matter. Councilman Showalter stated he felt the meeting minutes and videos are an official record of the Town Council meetings and unless Mr. White had reached out to Council and expressed that he would like the wording removed from the written minutes then it should not be changed. Mr. Showalter invited Mr. Rice to speak during public comment and request his own opinion to be noted in the minutes if desired. Councilman Bishop stated the

minutes should remain true to what was communicated at the meeting and if the minutes were changed for one person then other comments would want to be changed as well. Councilman Showalter wanted to include that he had not witnessed anything from Mr. Rice that was considered untrustworthy or not honorable.

Councilman Showalter made a motion to approve the Consent Agenda. Councilwoman Sachs seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

V. INTRODUCTIONS AND PRESENTATIONS

- A. Montgomery Museum of Art and History Executive Director Sue Farrar to present on museum operations.

Sue Farrar updated Council on the museum and thanked Council for the continued support. Ms. Farrar explained that although the museum had closed three months due to the pandemic and had to eliminate some art exhibits, it had been business as usual. She reported that the museum's garden continued to flourish under the management of Beth Umberger, and it remained a peaceful place for the community to visit. She also mentioned the garden provided vegetables this past summer for the residents in subsidized housing close to the museum. Ms. Farrar reported there were several new exhibits on the grounds at the museum and recently a new main exhibit had been opened called Montgomery County and 45 Objects and explained it looked at the history of the last 245 years of Montgomery County in 45 objects. She explained several of the objects that were displayed included a police uniform, a coin silver picture that was given to pastor Nicholas Chevalier when he ended his term at the Presbyterian Church, and a coverlet made by a slave in Christiansburg. Ms. Farrar touched on a newer project headed by Board of Directors Becky Novy called Education to Go. She explained that Education to Go is a series of kits that will go out to elementary school students which will include information on map skills, past and present figures in Montgomery County, and the industrial revolution. The museum has partnered with VT Engage and has converted the kits to be delivered virtually due to the pandemic. Ms. Farrar stated the kits had been chosen to be presented at the State Conference of the Virginia Association of Museums in March 2021. Ms. Farrar also updated Council about a grant the museum had applied for with the Appalachian Regional Commission to study an extension at the museum. Ms. Farrar explained the extension would provide for a meeting room for the public to utilize and hoped to hear the grant results soon. Ms. Farrar mentioned the museum did well during Give Local Day and they were able to raise money for the small organization. She also urged everyone to shop local at the gift shop on Great Road on Main. Ms. Farrar also noted that effective June 30, 2021 she would be retiring and thanked Council for all the support over the last 12 years. Councilman Huppert commented there were many organizations that reached out to Council and requested funds that he appreciated the fact that the museum constantly facilitated programs like the bookfairs and fundraisers to generate funds and he believed she should be congratulated for that. Councilwoman Hicks and Councilwoman Sachs both thanked Ms. Farrar for her service to the museum.

- B. Kiwanis Club of Christiansburg to request street closures for 2021 Wilderness Trail Festival. Mr. Ernie Wade and Steve Simmons came before Council to request street closures and extensions for the 2021 Wilderness Trail Festival anticipating the closure of Hickok Street

and losing 52 vendor spots, they needed to find space for the festival. Mr. Simmons reported the Kiwanis Club had already received five applications from vendors and were hoping to have a large festival this year in September. He stated they would like to extend the vendors to the crosswalk at Burger King on Main Street. Mr. Simmons talked about moving the stage for the festival to the Post Office and Atlantic Union Bank area and that food vendors would be moved around the stage area close to the intersection of Main and Franklin Streets. Mr. Simmons also mentioned utilizing East Main Street and the municipal parking lot as well as the Pepper Street area along the back of the Courthouse. He also mentioned the entrance in front of Dollar General Market on Main Street would be blocked off and customers would need to use the back entrance off First Street instead.

Councilwoman Hicks questioned why the festival was not placed down Franklin Street as well. Mr. Simmons stated there were businesses on Franklin Street that would still be open during the time of the festival. Mayor Barber mentioned there being no reason the request should not be granted but mentioned the desire for a letter from Dollar General Market agreeing to the entrance blockage. Mr. Simmons asked that the acknowledgment from Dollar General Market be received earlier rather than later and was concerned about the answer coming from corporate and taking longer. Councilman Showalter and Councilman Stipes expressed that the Kiwanis Club had always been successful in the past concerning reaching out to businesses and could not foresee a reason why this request would not be approved. Councilwoman Hicks mentioned keeping Covid in mind and following all the proper restrictions when the time comes.

C. Presentation by Reid Broughton of Sands Anderson regarding the rezoning and conditional use permit processes.

Mr. Broughton reported on the history and purpose of zoning and touched on the authority to zone in Virginia. He spoke about zoning ordinances and localities ability to classify territories under its jurisdiction and in each district, it may regulate, restrict, permit, prohibit, and determine use of land. He spoke about the different zoning districts and the purposes of planning, subdivisions, and zoning. Mr. Broughton touched on zoning amendments and the initiations of rezoning by Town Council or the Planning Commission. Mr. Broughton mentioned landowners or representatives could initiate rezoning as well. He spoke concerning the Planning Commission's procedures related to rezoning and expressed that after the information is reviewed, the Planning Commission makes its recommendation and reports within 90 days of its first meeting after the application. He also expressed that a failure to report within 90 days is deemed recommendation of approval of the Planning Commission. Mr. Broughton reported that Council and the Planning Commission must hold public hearings and must give notice of the public hearings including date, time, place, and nature of the hearing. He also spoke about action by Council and reported if Council failed to act within one year, the rezoning would be deemed approved. Mr. Broughton discussed conditional use permits and gave examples including home-based businesses and churches within a residential district. He spoke about variances versus conditional use permits and gave different examples of variances. Mr. Broughton concluded with COIA and participation after disclosure. He mentioned a hard copy of the presentation was available and he would be happy to meet with the Planning Commission at any time. Councilman Showalter commented concerning proffers for rezoning requests, mentioning that when Council votes there is evidence on record in the discussion so they needed to be aware of what they say in a situation to avoid a challenge to a Council decision and avoid liability from such comments. Mr. Broughton agreed that Council should be cautious about what is said.

VI. CITIZEN COMMENTS

Katherine Shultz, 400 Church Street (in Dublin, Virginia) addressed Council and referenced the recent article in the Roanoke Times concerning the second amendment. She expressed to Council that she suffered from a disability and if approached by someone that wanted to do bodily harm, she would not be able to run due to her disability. Ms. Shultz also expressed she was an activist of open carry and conceal carry and said she was in charge of her own safety and stated that unfortunately, depending on your location, it takes an average of ten minutes for first responders to arrive when called. She stated that instead of more legislation she believed people needed to be more educated on the safety and training of guns. Ms. Shultz asked Council to not enact ordinances to take away her right to carry and protect herself and others from harm.

Terry Dahoney, 70 Patricia Lane, addressed Council as an Army veteran, hunter, and concealed license carrier. Mr. Dahoney expressed that during certain circumstances he felt it was reasonable to carry a gun, but also thought there were places he believed it was not warranted. He mentioned the allowance of gun carrying on Town premises did not say much for our own Police department. Mr. Dahoney stated that he believed there were people that carried and never wanted to have to use their gun but wanted to protect themselves and others around them. But he also believed there were gun carriers who were waiting to just shoot their gun. Mr. Dahoney stated the later had no place at a Town Council meeting.

John Wilburn, 320 Briarwood Drive, has lived in Christiansburg for 22 years and has been a professional firearms instructor for the last 11 years. Mr. Wilburn expressed he was taken aback by the comments made in the Roanoke Times by Councilman Huppert and he believed Council should not have the authority to take away gun rights of residents in Christiansburg. He also noted that trying to mirror what the Town of Blacksburg has decided is nothing he thought Christiansburg needs to emulate. Mr. Wilburn expressed that if the subject officially came before Town Council, he would oppose it heavily.

VII. COMMITTEE REPORTS

Councilwoman Sachs reported on the Public Arts Advisory Board meeting that had taken place and mentioned the paperwork process to get started was going well and the final draft should be completed by the March 9th meeting. Ms. Sachs also reported that the Water and Waste Committee meeting was brief.

Councilman Bishop reported on the Central Business meeting last Wednesday, the 3rd and concluded there was no new business. Mr. Bishop mentioned Assistant Events Coordinator Marty Gordon had gathered pertinent information to the meeting and stated the Recreation Center would be used for the Farmers' Market location this summer.

Councilman Huppert reported how the pandemic has affected hotels, residents, and Virginia Tech sports. Mr. Huppert mentioned that during February and March there

would be 20 swim meets at the Aquatic Center and people from out of town would be attending those meets. Mr. Huppert expressed the Aquatic Center was an economic value and felt that especially this year even more so.

Councilwoman Hicks reported that she would like to continue to see more information in the newsletter from the Aquatic Center on swim meets for the citizens. Mrs. Hicks wanted to remind everyone they could make reservations to use the pool. Councilman Showalter urged citizens to show up for their reserved time slots and if they were unable to make their reservation to please inform the Aquatic Center. Councilwoman Hicks suggested it was not as easy to make a cancelation as it is to make a reservation. Councilman Huppert mentioned the Aquatic Center staff have already began the process of calling the resident that is a no show and remind them to call to cancel next time.

Councilman Stipes reported on the Virginia Tech Montgomery Executive Airport and mentioned there had been a meeting recently and the airport was doing very well under the management of new Executive Director Keith Holt. Mr. Stipes reported the runway extension was now open and the investment for that project was paying off by boosting corporate traffic through the airport. He also reported that fuel sales at the airport have almost doubled in the last 4 years due to the additional length of the runway and the business climate being strong with users like Virginia Tech basketball and BAE Systems.

Councilman Showalter reported on the Water and Waste Committee and mentioned the Stormwater Utility Study Committee will discuss rates and procedures. This would be discussed by Council later in the meeting and the Town Manager would bring up conservation easements and will be in packets for an upcoming Town Council meeting.

VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

- A. Reappoint Heather Browning to the Public Arts Advisory Board for a 2-year term (Term Expires December 31, 2022).

Councilwoman Sachs mentioned Ms. Browning had been a great asset to the Board and welcomed her back for two more years.

Councilman Showalter made a motion to reappoint Heather Browning to the Public Arts Advisory Board for a 2-year term. Councilwoman Sachs seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- B. Kiwanis Club of Christiansburg request for September 18, 2021 street closures for Wilderness Trail Festival.

Councilman Showalter made a motion to approve the request for September 18, 2021 street closures for the Wilderness Trail Festival. Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- C. Contract with McDonough Bolyard Peck, Inc. d/b/a MBP for Construction Engineering and Inspection Services for the Christiansburg Signature park Project in the amount of \$677,376.

Councilwoman Hicks expressed she would continue to vote “no” on the park item due to the fact she believed it was not a good idea because of the current pandemic. Mayor Barber mentioned in the past the Town had hired outside firms for these types of projects to supplement town staff. Mr. Wingfield explained the third-party consultant would be brought on board along and added that MBP had been the current consultant. Mr. Wingfield added that Kevin Wills of MBP would continue serving on the project and would continue to help with inspections and guidance throughout the development of the park. Councilman Stipes expressed that the amount of \$677,376 was a low percentage for the size of the project and he applauded Mr. Nelson and others involved for negotiating that amount.

Councilman Stipes made a motion to approve the contract with McDonough Bolyard, Inc. d/b/a MBP for Construction Engineering and Inspection Services for the park project. Councilman Showalter seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Nay; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- D. Establishment of the Stormwater Utility Study Committee.

Mr. Wingfield referenced a list of names that had been agreed upon by the Stormwater Utility Study Committee. He explained there had been suggestions made by the committee for a community advocate, a conservationist, developer, and large and small business representatives, along with a residential/HOA representative. Mr. Wingfield explained the Engineering staff, at the recommendation of the Water and Waste Committee, had reached out to everyone on the list and they would be willing to serve on the committee. He also explained there would be public participation meetings where the public could attend. Councilwoman Hicks questioned if there would be other citizens on the study committee and inquired how long the study would take to complete. Mr. Wingfield explained there would be public input meetings and participation opportunities and that the study should take a few months. Councilman Stipes and Councilman Showalter reiterated that this committee was an advisory committee and that Council would take final action.

Councilman Stipes made a motion to approve the establishment of the Stormwater Utility Study Committee. Councilman Showalter seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- E. Reaffirmation of Town Council Code of Ethics.

Councilwoman Hicks expressed that Council is elected by the citizens of the Town and believed Council was there to work for the people. She expressed concern that when looking over the Code of Ethics she believed Councilman Bishop had followed those codes and treated her with respect, but that other members had not. Mrs. Hicks also expressed she felt the rest of Council had not been respectful and had harassed her by asking her to resign from Council. Councilwoman Hicks referenced item #1 of the Code of Ethics that Council shall work for the common good of the people and not for any private or personal interest. She commented that when citizens tried speaking at previous Town Council

meetings, they were not welcomed because of their opposing ideas. Mrs. Hicks also referenced item #2 that Council shall at all times refrain from abusive conduct and personal or verbal attacks stating she had felt harassed by Council on different occasions. She expressed that she felt the private businesses of Council should not be the Town's business and found it offensive and disturbing when she was questioned by Council as to who writes her emails. Councilman Showalter requested clarification of what Mrs. Hicks was referring to when she referenced her emails. Councilwoman Hicks mentioned that she felt resistance when questioning the funding for MCEAP and explained that Councilman Showalter expressed she should pay out of her own pocket. Councilman Showalter stated budget allocations are a decision for Council as a whole and explained that each year prior to the budget process there is a grant application that any non-profit organization can fill out. Mr. Showalter explained there are certain conditions for filing for and approval of a grant application and that is why there is a budget that can be amended and explained MCEAP did not ask for additional money or extra time to fill out a grant application. Councilman Stipes expressed he had been on Council for fifteen years and felt that the last year had been very difficult. He also mentioned he had fallen short of the code of ethics and expressed he would like to reaffirm the code of ethics item and adopt it. Mr. Stipes also mentioned he would commit to do his best to honor the code moving forward and felt this was something everyone could aspire to do. Councilwoman Hicks expressed that she felt she was treated differently than other Council members concerning the code of ethics and felt that it invited trouble to the Council meetings when brought up. Mayor Barber expressed that even if a Council member voted nay to the reaffirmation, that Council member still needed to follow the code of ethics set forth. Councilwoman Hicks expressed hope that Council would abide by the ethics set forth this year and expressed that dealing with Council was like childcare and taking care of children.

Councilman Stipes made a motion to readopt the reaffirmation of Town Council Code of Ethics. Councilwoman Sachs seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Nay; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

F. Discussion of Resolution to Establish a Policy for Public Comment.

Mayor Barber reported he had received an email from a concerned citizen to Town Council regarding the public comments section of the Town Council meetings. Mayor Barber had forwarded the email to Mr. Broughton to come up with a resolution for public comment. Mr. Barber also expressed that Council was not required to have a public comment section at the Town Council meetings but mentioned it was a good idea. Mr. Broughton expressed to Council that the 1st Amendment was of concern when you start to address what citizens are saying, not how they say it, and explained there are open public forums that citizens can comment what they want as long as they are not disorderly or obscene. He also mentioned there are limited public forums where you can restrict public comment if the citizen gets off subject. Mr. Broughton explained he constructed the resolution to show a limited public forum in which Council could impose some restrictions. Councilwoman Hicks expressed concern for the resolution saying that citizens are reserved the right to speak at Council meetings. She also expressed she felt that the code of ethics item that had been brought back up at several meetings previously had opened a window for citizens to make comments about Council members' personal lives. Mrs. Hicks also expressed concern for

profanity that could be used at the meetings and how Council would handle that type of situation. Mrs. Hicks further stated she did not support the resolution because she believed in free speech. Councilman Stipes mentioned that former elected official of the County, Ann Hess, had brought up a good point about the comments that were posted during the live stream YouTube Town Council meetings. Mr. Broughton expressed that comments under the live stream meetings would be a separate issue than the resolution items brought before Council. Mr. Stipes asked Council to think about those live comments and maybe a further discussion could be held at the next meeting. Councilwoman Sachs questioned item #7 under the public comments resolution and explained she understood keeping the comments regulated to Town business but believed taxpayers should be able to express themselves to Council. She explained that Mayor Barber could keep the comments Town related and the citizen would be warned if they got off subject or were profane. Councilman Showalter stated it is the public's right to comment to public officials and he believed that having adopted the Code of Ethics that Council is in control of themselves only and hopefully citizens would be in control of themselves as well. He agrees that the video comments are separate and would like to see the comments shut off and stated that other citizens have complained as well about the livestream comments. Mr. Showalter also mentioned that in the past he had noticed certain citizens show up in full masks that covered their faces and would like Mr. Broughton to check on this to see if the Town could ask a person to not obstruct their face. Mr. Broughton answered there are several cases about expression on shirts, etc. but he could research the mask and hood issue. Councilman Huppert mentioned he accepted citizens that had different views than him and appreciates freedom of speech for citizens. Council agreed the resolution to establish a policy for public comments looked favorable although item #7 should be discussed further. Mayor Barber expressed that item #7 was intended to limit the personal attacks on Council businesses or personal lives during the public comments section of the meetings. Mayor Barber also expressed he would like to see more research and more discussion and not vote on this issue at this time. Councilwoman Hicks expressed that it had been difficult for citizens to make it to Council meetings this past year due to the pandemic and referenced a previous meeting where citizens were not allowed to speak concerning the park. Mayor Barber clarified that he clearly stated at that meeting that if citizens were there to speak concerning the park then comments were welcome at that time. Mrs. Hicks also mentioned the overflow room for citizens to view the Council meetings had a delay in their video and believed that could have been the reason certain citizens failed to show up in time to comment about the park. Mayor Barber mentioned that citizens could be required to sign up before meetings as well and at the end of the comment section he could ask if anyone else would like to address Council. Mayor Barber requested that Town Manager Wingfield research the legality of questioning citizens if they are residents of the Town.

IX. STAFF REPORTS

A. Town Manager

Mr. Wingfield reported there is a delay in the overflow/viewing room and there was a notice that had been placed on the wall stating there is a 30 second delay. Mr. Wingfield addressed the question of the timeline and cost for the College Street project and stated the contract for the Engineering services had been accepted on October 15, 2020. The contract amount for the project was \$78,480 and the study should be completed by early April of 2021. Mr. Wingfield reported there was discussion at the Water and Waste Committee concerning

conservation easements potential for Diamond Hills park and the landfill at Wades Lane. He explained that dedicating these conservation easements would help offset payments for water quality credits for construction of the park. Mr. Wingfield pointed out that the Dialogue on Race Winter Summit would be Saturday, February 13th from 10 am to 11:30 am. He also referenced Ms. Ann Hess' email and informed Council the comment portion of the livestream YouTube during Council meetings would be cut off to the public and that this would be the staff recommendation, which they agreed with. Mr. Wingfield questioned if Council would like to set a date for a budget work session on March 2nd at 6 p.m. to discuss business license fees and the potential for elimination of property taxes and vehicle registration fees, along with community support applications. Finance Director Valerie Tweedie explained the applications were due February 1st. Councilman Huppert questioned the status of the bid for the sign at the Aquatic Center. Mr. Wingfield explained the bid had gone out and was now closed.

B. Town Attorney

No

C. Other Staff

No

X. COUNCIL REPORTS

Councilman Huppert reported that at the previous Town Council meeting and in an article in the Roanoke Times he had mentioned gun control and the right to carry. Mr. Huppert wanted to clarify that he was not opposed to the 2nd Amendment or people owning guns but also did not believe that Town facilities and parks were places to carry. Mr. Huppert mentioned that there were times during Council meetings the subject matter could be argumentative and was concerned how someone with a gun could react. He also read a few emails from citizens that supported his comments. Mr. Huppert requested that Council agree to a presentation at one of the upcoming Town Council meetings concerning gun control. Councilwoman Sachs mentioned that although she respects Councilman Huppert's opinion on gun control, she did not agree with him and would not support any measure that would tread on citizen's rights to the 2nd Amendment. Councilwoman Hicks expressed that she was not interested in placing any restrictions on responsible gun owners at this time. Mayor Barber mentioned his concern for the safety of the children that participate in sandlot sports at the parks but did not want to take away any gun rights of carriers. Councilman Showalter requested that Councilman Huppert drop the issue of gun rights. Councilman Huppert agreed to rescind the gun control issue.

Councilman Bishop

No

Councilman Showalter

No

Councilman Stipes

No

Brad Councilwoman Hicks reported that she was appreciative of Director of Parks and Recreation Epperley for the community resource page on the Town's website. Mrs. Hicks mentioned it was a great resource for those citizens that needed help during the pandemic.

Councilwoman Sachs reported that she would like to discuss the time Town Council allows for presentations at Town Council meetings. Mayor Barber mentioned it was difficult to limit time especially when outside presenters speak. Council agreed that 10 minutes would be the maximum time for presentations. Councilwoman Sachs did mention that if the presentation was requested, for example the presentation on the park, that the time could be adjusted to allow for all the information to be addressed.

XI. OTHER BUSINESS

XII. ADJOURNMENT

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 9:17 PM.

Tracy Heinline, Clerk of Council

D. Michael Barber, Mayor